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Curtis L. Schrandt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : COLE, Laurence et al.  
SERIAL NO. : 10/752,937  
FILED : 01/07/04  
FOR : METHODS FOR DETECTING PREGNANCY  
GROUP ART UNIT : 1645

-----  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION  
UNDER 37 C.F.R. §1.47

S I R:

In response to a Notice to File Missing Parts of Nonprovisional Application, mailed April 12, 2004, applicant Laurence COLE hereby petitions the Commissioner to accept a partially executed Declaration under the provisions of 37 C.F.R. § 1.47 in that applicants Murugan R. PANDIAN and Julie Y. LU refuse to sign the Declaration.

Applicants Murugan R. PANDIAN and Julie Y. LU were mailed by certified mail copies of the application with formal combined Declaration and Power of Attorney documents attached for their signatures. They were contacted by telephone, as well. They have refused to execute the Declaration and Power of Attorney in this application.

The last known residential addresses of these two non-signing inventors are:

Murugan R. PANDIAN  
27432 Almendra  
Mission Viejo, CA 92691

Julie Y. LU  
26255 Buscador  
Mission Viejo, CA 92692

Enclosed herewith are the following documents:

- (1) a Declaration in Support of this Petition in accordance with 37 C.F.R. § 1.47(a);
- (2) a Declaration and Power of Attorney in accordance with 37 C.F.R. §§ 1.53 and 1.63;
- and
- (3) a copy of the Notice to File Missing Parts.

A check in the amount of Two-Hundred-and-Sixty Dollars (\$260.00) is enclosed herewith, which includes an amount of One-Hundred-and-Thirty Dollars (\$130.00) in payment of the petition fee under 37 C.F.R. § 1.17(h).

Applicant Laurence COLE respectfully requests that the Commissioner accept the enclosed Declaration on behalf of himself and the nonsigning inventors.

Respectfully submitted,

COLEMAN SUDOL SAPONE, P.C.

By: 

Henry D. Coleman  
Reg. No. 32,559

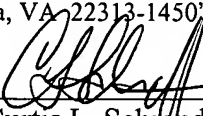
Dated: May 27, 2004

714 Colorado Avenue  
Bridgeport, CT 06605-1601  
(203) 366-3560



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to "MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on MAY 27, 2004.

  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION IN SUPPORT OF  
PETITION UNDER 37 C.F.R. § 1.47**

S I R:

I, Curtis L. Schrandt, make this Declaration under 37 C.F.R. § 1.47 in support of a  
Petition under the same section, which is submitted herewith.

I am employed by the law firm that prepared and filed the above-identified patent  
application on behalf of applicants.

On information and belief, the subject matter described and claimed in the above  
identified application has three (3) inventors, namely, Laurence COLE, Murugan R. PANDIAN  
and Julie Y. LU. The last known residential addresses of the two non-signing inventors are:

Murugan R. PANDIAN  
27432 Almendra  
Mission Viejo, CA 92691

Julie Y. LU  
26255 Buscador  
Mission Viejo, CA 92692

A Declaration and Power of Attorney signed by inventor Laurence COLE is enclosed herewith. On information and belief, inventors Murugan R. PANDIAN and Julie Y. LU have refused to sign the Declaration and Power of Attorney. Pertinent facts in proof of said refusal are as follows:

1. On April 7, 2004, I mailed by certified mail, return receipt requested, copies of the application, with formal combined Declaration and Power of Attorney documents attached, to Murugan R. PANDIAN and Julie Y. LU, with a letter requesting that they sign and return the Declaration and Power of Attorney for submission to the U.S. Patent and Trademark Office. Enclosed are copies of the letters and certified mail receipts, including United States Postal Service delivery confirmation receipts.
2. Our firm received a certified mail return receipt card from Julie Y. LU which she signed upon delivery on April 15, 2004. We did not receive a certified mail return receipt card from Murugan R. PANDIAN indicating who signed for the package, but the above-mentioned delivery confirmation shows that it was delivered and accepted on April 15, 2004.
3. On April 14, 2004, for the second time, I mailed by certified mail, return receipt requested, copies of the application, with formal combined Declaration and Power of Attorney documents attached, to Murugan R. PANDIAN and Julie Y. LU, with

a letter requesting that they sign and return the Declaration and Power of Attorney for submission to the U.S. Patent and Trademark Office. The letters were marked "URGENT RESPONSE REQUIRED." Enclosed are copies of the letters and certified mail receipts

4. A United States Postal Service delivery receipt, included herewith, indicates that the package to Murugan R. PANDIAN was delivered and accepted on April 19, 2004. Our firm received a certified mail return receipt card for this mailing which indicates that the package was accepted by an individual on behalf of Murugan R. PANDIAN. The receiving individual's name appears to be Jothi or Jolli Bai PANDIAN.
5. On May 5, 2004, the United States Postal Service returned the second package that I mailed to Julie Y. LU. On information and belief she refused to accept delivery when the United States Postal Service made two attempts to deliver the package. Said attempts were made on April 17, 2004 and April 23, 2004. A copy of the envelope cover is enclosed to established the same.
6. On May 11, 2004, I called Murugan R. PANDIAN at 949-586-5720 and left a message on his answering machine. In my message I provided information about the application status and filing requirements and asked Murugan R. PANDIAN to call me and explain why we have not received either of the two Declaration and Power of Attorney forms I sent to him for his signature. He did not return that call.
7. On May 13, 2004, I called Murugan R. PANDIAN again and left a second message on his answering machine. In my message I provided information about

the application status and filing requirements and asked Murugan R. PANDIAN to call me and explain why we have not received either of the two Declaration and Power of Attorney forms I sent to him for his signature. I informed him that if he did not return my call we would presume he is refusing to sign the Declaration and Power of Attorney.

8. On May 14, 2004, Murugan R. PANDIAN called our law office. I spoke to him about the application. I provided information about the application status and filing requirements and asked Murugan R. PANDIAN to explain why we have not received either of the two Declaration and Power of Attorney forms I had sent to him. Murugan R. PANDIAN said to me that he would not sign the Declaration and Power of Attorney because he objected to the inclusion of inventor Laurence COLE in an application for the relevant invention. He said that he spoke to co-inventor Julie Y. LU, and they agreed that neither of them would be part of the present application and neither of them would sign the Declaration and Power of Attorney.
9. On May 18, 2004, I called Julie Y. LU at 949-940-7200, and left a message on her answering machine. The outgoing message on her answering service stated that it was her office. In my message I provided information about the application status and filing requirements and asked Julie Y. LU to call me and explain why we have not received either of the two Declaration and Power of Attorney forms I sent to her for her signature. I told her that I spoke to Murugan R. PANDIAN and he said that he and Julie Y. LU had agreed not to sign the Declaration and Power of Attorney or participate in any way in the present patent application. I informed

her that if she did not return my call we would presume she is refusing to sign the Declaration and Power of Attorney. She did not return that call.

10. On May 21, 2004, I called Julie Y. LU at 949-940-7200 again and left a second message on her answering machine. In my message I again provided information about the application status and filing requirements and asked Julie Y. LU to call me and explain why we have not received either of the two Declaration and Power of Attorney forms I sent to her for her signature. I informed her that if she did not return my call we would presume she is refusing to sign the Declaration and Power of Attorney, and that we would file a petition in the U.S. Patent and Trademark Office to have a Declaration and Power of Attorney entered in the application without her signature. She did not return that call.

11. On May 21, 2004, I called Julie Y. LU at 949-940-7200 again and left a third message on her answering machine. In my message I again asked Julie Y. LU to call our firm regarding the applicant requirements. I informed her that refusal to reply to our requests indicates her refusal to sign the Declaration and Power of Attorney. I informed her that we would file the enclosed petition in the U.S. Patent and Trademark Office to have a Declaration and Power of Attorney entered in the application without her signature. She did not return that call. She has made no attempts to contact us in this matter.

12. On information and belief, my actions as above-indicated establish that we have made substantial, diligent effort to obtain signed Declaration and Power of Attorney forms from Murugan R. PANDIAN and Julie Y. LU, and their actions as described clearly prove that they refuse to sign and participate in the present



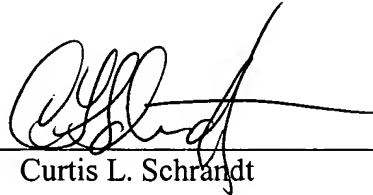
application. I make this declaration in support of a petition to have a Declaration and Power of Attorney entered in the patent application without the signatures of Murugan R. PANDIAN and Julie Y. LU.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

COLEMAN SUDOL SAPONE, P.C.

Dated: May 26, 2004

By: \_\_\_\_\_

  
Curtis L. Schrandt

LAW OFFICES OF  
COLEMAN SUDOL SAPONE, P.C.

714 COLORADO AVENUE  
BRIDGEPORT, CONNECTICUT 06605-1601  
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FACSIMILE: (203) 335-6779/6899

HENRY D. COLEMAN, Ph.D.\*  
R. NEIL SUDOL\*  
WILLIAM J. SAPONE

COUNSEL

KEVIN J. MCGOUGH\*  
PAUL S. FEINMAN\*  
\* Not Admitted in Connecticut



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New York City Office  
950 Third Avenue, 11<sup>th</sup> Floor  
New York, New York 10022

Mamaroneck, NY Office  
434 Mamaroneck Avenue  
Mamaroneck, New York 10543

Laurence A. Cole, Ph.D.  
Dept. of OB-GYN  
4198 ACC. OB-GYN  
U.N.M.-H.S.C.  
2211 Lomas Blvd. NE  
Albuquerque, NM 87106

April 7, 2004

VIA CERTIFIED MAIL

Re: U.S. Patent Application No. 10/752,937  
Applicants: COLE, PANDIAN & LU  
For: METHODS FOR DETECTING PREGNANCY  
STC@UNM Ref.: MC 260 Our Ref.: N12-002

Dear Larry:

In the above-identified patent application, please find enclosed herewith a formal document, i.e., a Declaration and Power of Attorney, for the signature of each of the applicants. Also enclosed is a copy of the related patent application as filed in the United States Patent and Trademark Office, attached to the Declaration. Please sign and date the Declaration where indicated, return it to us by facsimile to 203-335-6899, and send the original by mail at your earliest convenience.

A copy of this letter and a Declaration and Power of Attorney form attached to the related application are being sent separately to each of the inventors for execution. Each inventor should send his or her signed form directly back to us for submission to the United States Patent and Trademark Office.

If you have any questions concerning this matter, please feel free to contact us.

With best regards,

Sincerely,

Henry D. Coleman

HDC:cls  
Encls.

cc: Dr. Murugan R. Pandian (w/ Encls. by Certified Mail)  
Dr. Julie Y. Lu (w/ Encls. by Certified Mail)  
Ms. Lisa Kuuttila (letter only)

LAW OFFICES OF  
COLEMAN SUDOL SAPONE, P.C.

714 COLORADO AVENUE  
BRIDGEPORT, CONNECTICUT 06605-1601  
(203) 366-3560

FACSIMILE: (203) 335-6779/6899

E-MAIL: COSUD@EROLS.COM

HENRY D. COLEMAN, Ph.D.\*  
R. NEIL SUDOL\*  
WILLIAM J. SAPONE

COUNSEL

KEVIN J. MCGOUGH\*  
PAUL S. FEINMAN\*  
\* Not Admitted in Connecticut



New York City Office  
950 Third Avenue, 11<sup>th</sup> Floor  
New York, New York 10022

Mamaroneck, NY Office  
434 Mamaroneck Avenue  
Mamaroneck, New York 10543

Laurence A. Cole, Ph.D.  
Dept. of OB-GYN  
4198 ACC. OB-GYN  
U.N.M.-H.S.C.  
2211 Lomas Blvd. NE  
Albuquerque, NM 87106

April 7, 2004

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Re: U.S. Patent Application No. 10/752,937  
Applicants: COLE, PANDIAN & LU  
For: METHODS FOR DETECTING PREGNANCY  
STC@UNM Ref.: MC 260      Our Ref.: N12-002

Dear Larry:

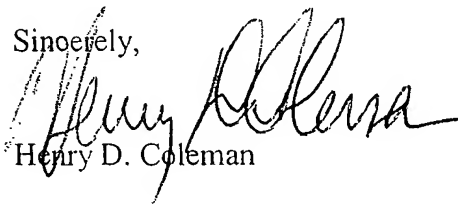
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If you have any questions concerning this matter, please feel free to contact us.

With best regards,

Sincerely,



Henry D. Coleman

HDC:cls  
Encls.

cc: Dr. Murugan R. Pandian (w/ Encls. by Certified Mail)  
Dr. Julie Y. Lu (w/ Encls. by Certified Mail)  
Ms. Lisa Kuuttila (letter only)



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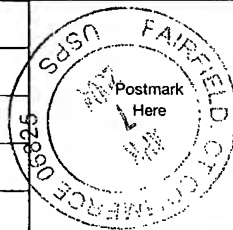
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Street, Apt. No., or PO Box No. 26255 Buscador  
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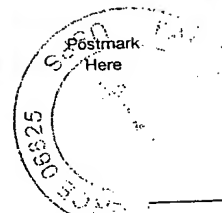
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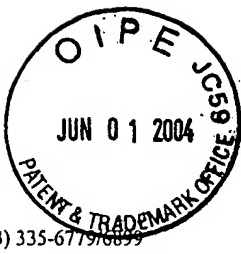
DR. PANDIAN



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BRIDGEPORT, CONNECTICUT 06605-1601  
(203) 366-3560

FACSIMILE: (203) 335-6779/6899

E-MAIL: COSUD@EROLS.COM

HENRY D. COLEMAN, Ph.D.\*  
R. NEIL SUDOL\*  
WILLIAM J. SAPONE

New York City Office  
950 Third Avenue, 11<sup>th</sup> Floor  
New York, New York 10022

COUNSEL

KEVIN J. MCGOUGH\*  
PAUL S. FEINMAN\*  
\* Not Admitted in Connecticut

Mamaroneck, NY Office  
434 Mamaroneck Avenue  
Mamaroneck, New York 10543

April 14, 2004

**URGENT RESPONSE REQUIRED**

**VIA CERTIFIED MAIL**

Murugan R. Pandian, Ph.D.  
27432 Almendra  
Mission Viejo, CA 92691

Re: U.S. Patent Application No. 10/752,937  
Applicants: COLE, PANDIAN & LU  
For: METHODS FOR DETECTING PREGNANCY  
STC@UNM Ref.: MC 260 Our Ref.: N12-002

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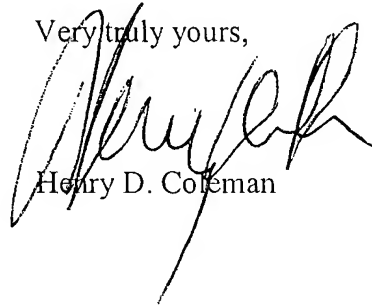
Dear Dr. Pandian:

Please find enclosed herewith a formal document, i.e., a Declaration and Power of Attorney, for your signature as one of the applicants in the above-identified patent application. Attached to the Declaration and Power of Attorney is a copy of the related patent application. Please sign and date the Declaration where indicated, and return only the Declaration to us by facsimile to 203-335-6899.

If you have any questions concerning this matter, please feel free to contact us.

With best regards,

Very truly yours,



Henry D. Coleman

HDC:cls  
Encls.  
cc: Ms. Lisa Kuuttila @ UNM (letter only)

P.S.: Copy of Filing Receipt and Notice of Missing Parts  
Enclosed herewith.

LAW OFFICES OF  
**COLEMAN SUDOL SAPONE, P.C.**

714 COLORADO AVENUE  
BRIDGEPORT, CONNECTICUT 06605-1601  
(203) 366-3560

FACSIMILE: (203) 335-6779/6899

HENRY D. COLEMAN, Ph.D.\*  
R. NEIL SUDOL\*  
WILLIAM J. SAPONE

COUNSEL

KEVIN J. MCGOUGH\*  
PAUL S. FEINMAN\*  
\* Not Admitted in Connecticut



E-MAIL: COSUD@EROLLS.COM

New York City Office  
950 Third Avenue, 11<sup>th</sup> Floor  
New York, New York 10022

Mamaroneck, NY Office  
434 Mamaroneck Avenue  
Mamaroneck, New York 10543

April 14, 2004

**URGENT RESPONSE REQUIRED**

**VIA CERTIFIED MAIL**

Julie Y. Lu, Ph.D.  
26255 Buscador  
Mission Viejo, CA 92692

Re: U.S. Patent Application No. 10/752,937  
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STC@UNM Ref.: MC 260      Our Ref.: N12-002

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If you have any questions concerning this matter, please feel free to contact us.

With best regards,

Very truly yours,

A handwritten signature in black ink, appearing to read "Henry D. Coleman".

Henry D. Coleman

HDC:cls

Encls.

cc: Ms. Lisa Kuuttila @ UNM (letter only)

P.S.: Copies of Filing Receipt and Notice of Missing Part included herewith.





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PS Form 3800, January 2001

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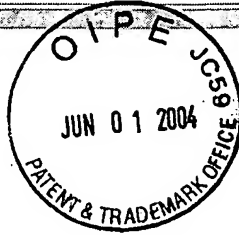
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DR. PANDIAN

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Murugan R. Pandian, Ph.D.  
27432 Almendra  
Mission Viejo, CA 92691

2. Article Number  
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7001 0360 0001 8106 9480

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C. Signature

X John Ba. Pandian

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☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

## Track & Confirm

### Current Status

You entered 7001 0360 0001 8106 9497

Your item was returned to the sender on May 05, 2004 because it was not claimed by the addressee.



[Shipment Details >](#)

### Notification Options

▶ Track & Confirm by email [What is this?](#)

[Go >](#)

### Track & Confirm

Enter label number:

[Go >](#)

[Track & Confirm FAQs](#)

[Go >](#)



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DR. LV



N12-002

| SENDER: COMPLETE THIS SECTION   |  | COMPLETE THIS SECTION ON DELIVERY   |  |
|---|--|---|--|
| <ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mail piece, or on the front if space permits.</li></ul> |  | <p>A. Signature<br/><i>Julie Y. Lu (Julie Lu)</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)<br/><i>Julie Lu</i></p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br/>If YES, enter delivery address below:</p> |  |
| 1. Article Addressed to:<br><div>Julie Y. Lu, Ph.D.<br/>26255 Buscador<br/>Mission Viejo, CA 92692</div>  |  | 3. Service Type<br><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.   |  |
| 2. Article Number<br>(Transfer from service label)  |  | 4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes   |  |
|   |  | 7001 0320 0003 2378 0688  |  |

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540



7001 0360 0001 8106 9497



169 PB8556948  
2080 \$05.80 APR 14 04  
7500 MAILED FROM FAIRFIELD, CT 06825



U.S. POSTAGE  
PAID  
FAIRFIELD, CT  
06825  
APR 14 04  
AMOUNT

\$0.00  
00010614-09

9264

92692

411764 CH



COLEMAN SUDOL SAPONE, P.C.  
714 Colorado Avenue  
Bridgeport, Connecticut 06605-1601

Julie Y. Lu, Ph.D.  
26255 Buscador  
Mission Viejo, CA 92692



1st NOTICE 4-17  
2nd NOTICE 4-23  
RETURN 5-2

RETURN RECEIPT REQUESTED

| SENDER: COMPLETE THIS SECTION   |  | COMPLETE THIS SECTION ON DELIVERY   |  |
|---|--|---|--|
| <p>1. Article Addressed to:<br/>Julie Y. Lu, Ph.D.<br/>26255 Buscador<br/>Mission Viejo, CA 92692</p>   |  | <p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>  |  |
| <p>2. Article Number (Transfer from service label)<br/>7001 0360 0001 8106 9497</p>   |  | <p>B. Received by (Printed Name) <input checked="" type="checkbox"/> Date of Delivery <input checked="" type="checkbox"/></p>                           |  |
| <p>3. Service Type<br/><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Restricted Delivery (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> |  | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No<br/>If YES, enter delivery address below:</p> |  |
| <p>4. Restricted Delivery (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>  |  | <p>5. Return Receipt Requested <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>  |  |
| <p>PS Form 3811, August 2001</p>  |  | <p>U.S. POSTAGE</p>   |  |